

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 3/21/2024
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PABLO RAMON RODRIGUEZ,

Plaintiff,

-v-

NEW GENERATION HARDWARE STORE CORP &  
KEVIN REYES,

Defendants.  
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22-cv-4422 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Today the Court held a hearing on the motion of Plaintiff Pablo Ramon Rodriguez (“Plaintiff”) to hold Defendant Kevin Reyes (“Defendant”) in contempt. Dkt. No. 61. Plaintiff argues that Defendant should be held in contempt for his failure to comply with the Court’s order of January 22, 2024, that he respond to the Information Subpoena served on him for post-judgment discovery. Dkt. No. 58. The hearing was scheduled by order of February 21, 2024. Dkt. No. 62. Defendant failed to appear at the hearing despite having been provided notice of it. Dkt. Nos. 63–64. Plaintiff’s counsel requested, as contempt sanctions, an order for Defendant’s arrest, or, alternatively, financial sanctions.

The Court found that all elements necessary to issue contempt sanctions have been established. The Court’s January 22, 2024 order is clear and unambiguous, the proof of noncompliance is clear and convincing, and there is no evidence that Defendant has diligently attempted to comply in a reasonable manner. *CBS Broad. Inc. v. FilmOn.com, Inc.* 814 F.3d 91, 98 (2d Cir. 2016). The Court reserved decision on the scope of contempt remedies. The Court scheduled a telephonic hearing during which it intends to give its opinion and order and

announce contempt sanctions to be held telephonically on April 2, 2024, at 4:00 PM. The parties are ordered to appear at the telephonic hearing. Parties are ordered to dial into the Court's teleconference number at 888-251-2909, Access Code 2123101, and follow the necessary prompts.

Plaintiff is further ordered to serve a copy of this order on Defendant by March 22, 2024, by both U.S. Postal Service first class mail, postage prepaid and return-receipt required, and by Federal Express, postage prepaid, with evidence of proof of delivery, and to file proof of service on the docket.

SO ORDERED.

Dated: March 21, 2024  
New York, New York

A handwritten signature in black ink, appearing to read "L. Liman", is written over a horizontal line.

LEWIS J. LIMAN  
United States District Judge